

NOTICE OF FINAL RULEMAKING

TITLE 10. LAW

CHAPTER 4. ARIZONA CRIMINAL JUSTICE COMMISSION

ARTICLE 4. DRUG AND GANG ENFORCEMENT

ACCOUNT ADMINISTRATIVE PROGRAM

PREAMBLE

1.

<u>Sections Affected</u>	<u>Rulemaking Action</u>
R10-4-401	Amend
R10-4-402	Amend
R10-4-403	Amend
R10-4-404	Amend

2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

A.R.S. §41-2405 (A) (8) - Authorizing Statute
A.R.S. §41-2402 - Implementing Statute

3. **The effective date of the rules:**

The effective date of the rules will be the date the rules are filed with the Secretary of State's Office.

4. A list of all previous notices appearing in the Register addressing the proposed rule:

Notice of Rulemaking Docket Opening:

6 A.A.R. 795 February 25, 2000

Notice of Proposed Rulemaking

6 A.A.R. 3250 September 1, 2000

5. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Joseph R. Farmer

3737 N. 7th Street, Suite 260

Phoenix, AZ 85014

Telephone Number: (602) 230-0252

Facsimile Number: (602) 728-0752

6. An explanation of the rule, including the agency's reasons for initiating the rule:

The purpose of the Article is to establish the guidelines to be used to govern the Drug and Gang Enforcement Account Administrative Program. Without rules to govern the administration of the program, the Account funds cannot be made available, awarded, or properly administered.

7. A reference to any study that the agency relied on in its evaluation of or justification for the rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study, and other supporting material.

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

The promulgation of these rules will not diminish a previous grant of authority of a political subdivision of this state.

9. The summary of the economic, small business and consumer impact:

There will not be any significant economic impact as a result of the amendments to the proposed rules.

Costs/Benefits to implementing agency: The Arizona Criminal Justice Commission will experience no increase in its supplies and services budget. The personnel budget will not be increased. The management of the Account funds will continue to be accomplished through the use of existing staff. No increase in administrative overhead is anticipated.

Costs/benefits to other agencies directly affected by the amendments:

Other state agencies will not be adversely effected by the amendments to the rules governing distribution of Account funds. The amendments serve only to; (1) delete all references to the Drug and Gang Enforcement Task Force,

which no longer exists, and (2) bring the amended rules into conformance with the requirements of the Secretary of State's Office.

The State Treasury Department will have no cost increases as a result of the amended rules. The department already receives and administers the Account into which these funds are deposited upon receipt from the courts.

Costs/benefits to political subdivisions: All Arizona criminal justice agencies potentially benefit from the distribution of Account funds. This funding provides statewide, system-wide enhancements to support all components of Arizona's drug, gang, and violent crime control efforts, and the communities they serve.

There are no significant costs associated with the distribution of Account funds to these agencies. All of the agencies have personnel already assigned to the administration of other grants they receive. The increased costs of administering the enhanced funding provided from the Account will be in the area of supplies for the completion of the required reports.

Costs/benefits to business: There are no significant costs or benefits to private industry. Enhanced Drug and Gang Enforcement Account funding provides a proportionate stimulant to the economy of recipient communities through added jobs that may otherwise not be available.

10. A description of the changes between the proposed amended rules, including supplemental notices, and final rules (if applicable):

Technical and grammatical changes were made at the suggestion of GRRC Staff.

11. A summary of the principle comments and the agency response to them:

The Drug, Gang and Violent Crime Programs Committee of the Arizona Criminal Justice Commission reviewed and discussed the proposed amendments to the rules in open meeting, and recommended the Arizona Criminal Justice Commission adopt the amended rules in open meeting on July 20, 2000. The Commission voted unanimously to adopt the amended rules, and no public comments were brought forward to either the Committee or the Commission.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None.

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously approved as an emergency rule?

No.

15. The full text of the rules follows:

Title 10. Law

Chapter 4. Arizona Criminal Justice Commission

Article 4. Drug and Gang Enforcement Account Administrative Program

R10-4-401. Definitions

R10-4-402. Application

R10-4-403. Application ~~Process~~ Review; Approval approval by the Commission

R10-4-404. Annual ~~Reports~~ Report

ARTICLE 4. DRUG AND GANG ENFORCEMENT ACCOUNT

ADMINISTRATIVE PROGRAM

R10-4-401 Definitions.

In this Article:

1. "Account" means the Drug and Gang Enforcement Account ~~as~~ established by A.R.S. § 41-2402.
2. "Commission" means the Arizona Criminal Justice Commission, ~~as~~ established by A.R.S. § 41-2404.
3. ~~"Task Force" means the Drug and Gang Enforcement Task Force, as established by A.R.S. § 41-2406.~~
3. "Approved Program or Project" means a program or project delivering services that meet the requirements of A.R.S. § 41-2402.
4. "Approved Agency" means a unit of state or local government providing services that meet the requirements of A.R.S. § 41-2402.

R10-4-402 Application.

~~The Commission~~ To apply for Account money, an approved agency shall
~~require~~ submit to the Commission a written application ~~submittal from each~~
~~applicant for Account monies~~ money containing ~~showing all of the following~~
~~information:~~

1. The name and address of the applicant agency,
 - a. The name of the authorized official submitting the application,

- b. The name of the person with primary responsibility for administering and supervising the approved program or project, and
 - c. The name of the person responsible for fiscal matters relating to the approved program or project;
1. ~~That the request for monies is consistent with the purposes for which the Account was established;~~
 - ~~2.~~ 4. The amount of account Account monies money requested;
 - ~~3.~~ 2. The purpose of the request for Account money, consistent with A.R.S. § 41-2402(A);
 - ~~2.~~ The goals sought to be achieved by the use of Account monies, the specific supporting objectives, and a proposed method for accurately measuring and evaluating the degree of success in achieving these objectives;
 4. The program or project title;
 5. The program or project description including:
 - a. The goals and objectives to be achieved by the program or project, and the method for evaluating the achievements of the program or project;
 - ~~b.~~ 3. The estimated amount of agency the applicant agency's funds and resources the applicant plans to allocate allocated to the program or project;
 - c. The estimated total project cost;

- d. 5. A detailed ~~account~~ budget of how the Account ~~monies~~ money will be used; ~~spent to enhance the project; and~~
- e. An estimated completion date; and
- f. 6. The anticipated fiscal and operational impact ~~that the receipt of~~ Account monies money is projected to will have on ~~state and local agencies~~ the applicant agency.

R10-4-403 Application ~~process~~ Review; ~~approval~~ Approval by the Commission.

~~A. The Commission shall forward the written applications to the Task Force for review and recommendations.~~

~~A. B.~~ The Commission shall review each application and make a decision to grant or deny funding within 90 days of the last day on which applications may be submitted. ~~the recommendations of the Task Force, together with any of the written submittals which the Commission may designate.~~

~~B. C.~~ After such review, If the Commission may determines that additional information is needed to facilitate its review of an application, the Commission shall:

1. Request additional information ~~and/or modified applications from the Task Force and/or the applicant agency, or~~
2. Request application modifications.

~~C. 2.~~ After review, the Commission shall vote to approve or disapprove the application, in whole or in part, on the basis of standards prescribed by the federal government for federal money deposited into the Account as

provided under A.R.S. §41-2402(F) ~~applications which have been~~
~~submitted.~~

R10-4-404 Annual Reports Report.

A. ~~Within~~ No later than September 30 ~~90 days after the end of each fiscal year,~~
~~each a~~ grantee shall submit a written report to the Commission. ~~which shall~~
~~forward a copy to the Task Force~~ that contains: ~~containing all of the following~~
~~information:~~

1. The amount of Account money ~~monies~~ held by the grantee at the beginning of the fiscal year;
2. The amount of Account money ~~monies~~ received by ~~distributed to~~ the grantee from ~~by~~ the Commission during the fiscal year;
3. The amount of Account money ~~monies~~ ~~which were~~ expended in relation to achieve the specific goals and objectives stated in the application ~~sought to be achieved by the grantee;~~
4. A narrative assessment ~~An analysis of the~~ effective and efficient ~~effectiveness and efficiency with which the grantee used~~ use of Account money ~~monies~~ to meet its stated goals and objectives during the fiscal year, including ~~a specific~~ an assessment of ~~the enhanced degree to which~~ efforts to deter, investigate, prosecute, adjudicate, and punish drug offenders and members of criminal street gangs ~~have been enhanced;~~
5. The amount and disposition of assets seized, ~~fine monies~~ money generated by fines, and other financial benefits generated by the

grantee, as a result of the use of Account ~~monies~~ money; and

6. ~~Such other~~ Other information as the Commission may request in compliance ~~to comply~~ with requests from the ~~Federal Government~~ federal government for information related to the ~~expenditures~~ expenditure of federal grant ~~monies~~ money from the Account.
- B. The Commission shall compile this information in the annual report required under A.R.S. § 41-2405(A)(12) and forward it to the ~~Task Force for review and recommendations to the Commission~~ Governor, President of the Senate and Speaker of the House of Representatives.